

Claim 1 recites, in part:

an environment services layer that supplies one or more environment dependent services that are dependent upon at least one of the operating system and the hardware of the terminal; and

a terminal application compatible with the card application and having a platform independent portion that is independent of the hardware and the operating system of the terminal, whereby the terminal application is developed independently of the hardware and the operating system of the terminal.

Eaton neither discloses nor suggests the invention of claim 1. More particularly, Eaton neither discloses nor suggests an environment services layer that supplies one or more environment dependent services that are dependent upon at least one of the operating system and the hardware of the terminal. The Examiner refers to blocks 111-115 as environment dependent services. Applicant respectfully traverses this assertion. Blocks 111-115 are referred to as an external data source 111, and operation means 112, 113, 114, 115. However, neither the external data source 111 or the operation means 112-115 are dependent upon the operating system or hardware of the terminal. Thus, blocks 111-115 neither disclose nor suggest an environment services layer that supplies one or more environment dependent services that are dependent upon at least one of the operating system and the hardware of the terminal.

The Examiner further states that “[t]he environmental dependent services may consist of any combination of structures, affording the possibility of identical structures.” However, Eaton neither discloses nor suggests that environmental dependent services consist of any combination of structures, affording the possibility of identical structures.

In addition, Eaton neither discloses nor suggests a terminal application compatible with the card application and having a platform independent portion that is independent of the hardware and operating system of the terminal, whereby the terminal application is developed independently of the hardware and operating system of the terminal. The Examiner states that the Integrated Channel Manager 100 contains applications that are independent from the hardware or the operating system. However, Eaton states that business application functions are channel independent (see col. 4, lines 5-8) and that functions such as function 144 is unaware of the customer service channel originating the call, i.e., is unaware of its channel-specific hardware and software systems (see col. 4, lines 23-27). Eaton does not state that such functions are independent of the hardware and operating system of the terminal, but rather that such functions are channel independent. Accordingly, Eaton neither discloses nor suggests the invention of claim 1.

The Examiner states that the system may be used as a loyalty card service. The Applicant respectfully traverses this assertion. Eaton neither discloses nor suggests the use of

the present invention with a card such as a loyalty card or a smart card. The Examiner further admits that Eaton fails to teach the terminal application as compatible with a smart card, the card's information able to use different modules or applications, and the terminal application as portable to a plurality of terminals. The Examiner seeks to cure the deficiencies of Eaton with Wilkinson. However, Wilkinson fails to cure the deficiencies of the primary reference.

With respect to claim 21, the Examiner has taken official notice that it is known in the art for terminals of financial institutions to implement features if the card of a user is not recognized. Applicant respectfully traverses this assertion. Neither of the references, separately or in combination, disclose or suggest a business logic layer within an environment component as claimed in claim 21 that implements business policies associated with the terminal. For instance, claim 25 further recites performing at least one of rejecting and reclaiming the card at the business logic layer when the card is not recognized. Neither of the references, separately or in combination, disclose or suggest a method of executing a terminal application using such a business logic layer.

Based on the foregoing, it is submitted that the independent claims are patentable over the cited references. In addition, it is submitted that dependent claims are also patentable for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from the cited references. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103(a).

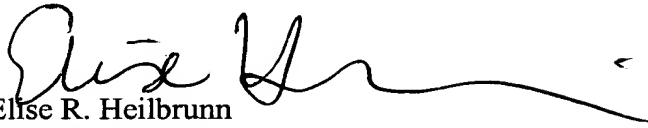
SUMMARY

It is submitted that the cited references, alone or in any combination, do not teach or suggest the features of the claimed invention. Therefore, it is submitted that the claims are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. VISAP018).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


Elise R. Heilbrunn
Reg. No. 42,649

BEYER WEAVER & THOMAS, LLP
P.O. Box 778
Berkeley, California 94704-0778
Tel. (510) 843-6200